

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15168 of Lewis R. Murray, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to establish the offices of an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer, or similar professional person in the basement through the third floor in an existing 10-unit apartment house in an SP-2 District at premises 1208 M Street, N.W., (Square 282, Lot 31).

HEARING DATE: November 11, 1989
DECISION DATE: December 6, 1989

FINDINGS OF FACT:

1. The site is located on the south side of M Street, N.W. between 12th and 13th Streets and is known as 1208 M Street, N.W. The site is zoned SP-2.

2. The lot contains approximately 2,160 square feet and is improved with a 3-story with basement townhouse type structure. The structure was built in 1909 as a single family residence, and was reconfigured as a 10-unit apartment house in approximately 1940. The property is presently vacant.

3. A four-story apartment building abuts the site to the west. A parking lot owned by the District of Columbia Government and a ten-story structure housing the Horizon House Senior Citizens apartments and several offices of the District of Columbia Government are to the east of the site. To the north, across the street from the site, is the Claridge Tower Senior Citizens apartment building which is owned and operated by the D.C. Department of Public and Assisted Housing. The site abuts a 10-foot wide public alley to the rear. The immediate area surrounding the site is characterized by a mixture of office and residential buildings, townhouses converted to office uses, and single family residences converted to multi-family use.

4. At the hearing before the Board, neither the applicant nor his legal counsel was able to attend. The applicant was represented solely by his architect.

5. The applicant requests special exception approval to use the subject property for professional offices.

6. Pursuant to the Zoning Regulations, the Board may grant such special exceptions in SP-2 Districts provided that:

- (a) The use, height, bulk, and design shall be in harmony with the existing uses and structures on neighboring property;
- (b) the use shall not create dangerous or other objectionable conditions; and
- (c) the Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it shall deem necessary to protect the value of neighboring property.

The record must also demonstrate that granting the relief will be in harmony with the general purpose and intent of the Zoning Regulations and maps, and will not affect adversely the use of neighboring property.

7. The applicant's architect testified that there is approximately 4,250 square feet of usable space in the building. The applicant plans to refurbish the exterior and renovate the interior to bring the building into compliance with the Building Code. At least three on-site parking spaces will be provided. There will be approximately 15 people working at the site.

8. In his application to the Board, the applicant described the subject building as a handsome, three-story brick and stone townhouse, originally constructed as a single-family residence and later reconfigured to contain nine efficiencies and one one-bedroom apartment. The applicant indicated that when he purchased the building, it was in poor repair with only a few (mostly non-rent paying) tenants. It is now vacant.

9. The applicant indicated that over the years that quality of life in the area has declined and many of the buildings in the square have been converted into offices. In some cases, existing buildings have been replaced by new ones expressly for office use. He proposes to restore the subject building for professional office use, maintaining that this is in keeping with the trend in the area.

10. The applicant maintains that the property is no longer economically viable as an apartment building, given the changes in the area. He maintains further that the only alternative to the proposed plans is another derelict building which will hinder progress in the area and bring little tax revenue to the city.

11. The Office of Planning (OP), by memorandum dated November 21, 1989, recommended that the application be denied. OP noted the characteristics of the subject build-

ing and the surrounding area. OP noted that the subject site is located in an SP-2 District which permits matter-of-right medium/high density development including all kinds of residential uses with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment, to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of 80 percent for residential uses. The SP-2 District is intended to act as a buffer between adjoining commercial and residential areas. It is designed to preserve, stabilize and protect areas adjacent to commercial districts that contain a mix of row houses, apartments, offices and institutions at a medium to high density. OP noted that the subject building has always been used for residential purposes. OP believes that the residential use at the subject site should be continued in order to maintain an appropriate land use mix. OP explained that this block (Square 282) and the blocks immediately to the east and north (Squares 315 and 281) are more than three quarters residential in current use, whether measured by land area or gross floor area. The proposed conversion of the subject building to office use will create an imbalance between the residential and office uses in the area. Therefore, the Office of Planning believes that the proposed conversion of the building for office use will not be in harmony with the existing residential character of this block.

12. The Office of Planning also discussed adverse impact. In OP's view, the introduction of an office building represents an unnecessary intrusion of commuter traffic in the morning and evening peak hours and the presence of an empty building at night. This would not be conducive to public safety or compatible with the residential character of the neighborhood. It is also the opinion of the Office of Planning that the proposed SP-office use would create objectionable conditions for the residents in the area.

13. The Board agrees with OP that the existing residential housing supply should be maintained, and that the approval of the application would upset the mix of this largely residential area.

14. Advisory Neighborhood Commission (ANC) 2C, by letter dated November 7, 1989, expressed opposition to the application. The ANC was concerned with the displacement of low and moderate income residents in exchange for office space. The ANC was also concerned that approval of the application would be precedent-setting thereby encouraging additional conversions to office and other SP uses.

15. A letter dated October 31, 1989, was received from the Blagden Alley Association which represents the residents of Mount Vernon Square and The Old City area of Washington. The Association resolved to oppose the special exception for office use at the subject site and expressed its desire to have the use remain residential.

16. No one appeared at the hearing to testify in support of or in opposition to the application.

17. Nine letters of support were submitted into the record. No opposition letters were received from individual neighbors.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to establish professional offices in an apartment house in an SP-2 District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The provisions of Section 508 regulating office uses in an SP District must also be complied with. The Board concludes that the applicant has failed to meet the burden of proof.

The Board is of the opinion that conversion of the 10-unit apartment building into offices will substantially interfere with the provision of housing in an area where, to date, numerous other residential-to-office conversions have taken place. The Board recognizes that this is a Special Purpose District and points out that residential uses also play a role in the composition of SP Districts. The Board therefore concludes that to grant the application would effectively tip the balance of office versus residential space in the subject area thereby impairing the general purpose and intent of the Zoning Regulations governing Special Purpose Districts.

The Board concludes further that office use at the subject site would create an adverse impact on neighboring residential properties in terms of traffic flow and lack of occupancy after office hours.

The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-1 (Carrie L. Thornhill and Paula L. Jewell to deny, Lloyd D. Smith to deny by proxy, William F. McIntosh opposed to the motion, Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 17 1990

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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